?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 26.10.2018

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THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN
+W.P.(MD)Nos.21913 of 2018
and 21914 of 2018

#M.Subramanian
... Petitioner in W.P.(MD)No.21913 of 2018
R.Mohandass
... Petitioner in W.P.(MD)No.21914 of 2018

Vs.

$1.The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Pallavan Salai,
Thiruvalluvar Illam,
Chennai ~ 2.
... Respondents

PRAYER in all the W.Ps.: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner-s pay as per the settlement under Section 12(3) of the I.D.Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently, directing the respondents to revise and refix the retirement benefits and to disburse difference amounts in their monthly pension, commuted value of pension, gratuity, earned leave salary to them with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment within the time limit that may be fixed by this Court.

!For Petitioners : Mr.A.Rahul
^For Respondents : Mr.D.Sivaraman for R1
Mr.A.P.Muthupandian for Rs

:COMMON ORDER
The petitioners seek for a Writ of Mandamus, directing the respondents to revise the petitioner-s pay as per the settlement under Section 12(3) of the I.D.Act, dated 04.01.2018 with retrospective effect from 01.09.2016 and consequently, directing the respondents to revise and refix the retirement benefits and to disburse difference amounts in their monthly pension, commuted value of pension, gratuity, earned leave salary to them with

interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment within the time limit that may be fixed by this Court.

2.Mr.D.Sivaraman, learned counsel takes notice for the first respondent / Corporation and Mr.A.P.Muthupandian, learned counsel takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal.

3.The learned counsel for the petitioners submitted that it would suffice if the representations of the petitioners shall be disposed of in the light of the settlement dated 04.01.2018 entered under Section 12(3) of Industrial Disputes Act, within a time frame to be fixed by this Court.

4.In view of the limited scope of the prayer, without going into the merits of the matter, the respondents concerned are directed to consider the representations of the petitioners, dated 24.09.2018 and 13.10.2018 and pass appropriate orders thereon in the light of the terms of settlement dated 04.01.2018 entered under Section 12(3) of Industrial Disputes Act, 1947. In case, the petitioners are entitled to the settlement entered under Section 12(3) of the Act, the eligible amount shall be extended to the petitioners and the same shall be paid, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petitions stand disposed of. No costs.

To
1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Pallavan Salai,
Thiruvalluvar Illam,
Chennai ~ 2.